

IN RE: PETITION FOR RESIDENTIAL
ZONING VARIANCE
M/S Aiken Ave., 692 ft. N of
C/1 Taylor Avenue
7898 Aiken Avenue
9th Election District
6th Councilmanic District
Steven E. Adamski, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 93-365-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an administrative variance filed by Steven and Patricia Adamski, for that property known as 7898 Aiken Avenue in the Parkville Heights subdivision of Baltimore County. The Petitioners herein seek a variance from Sections 1802.3.C.1 and 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a 22 ft. rear yard setback in lieu of 30 ft., and to permit an existing structure (garage) in the side yard, in lieu of the rear yard, as more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of

Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

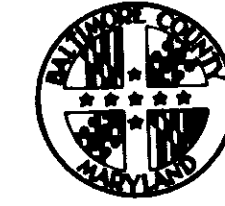
THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 21st day of May, 1993 that the Petition for a Zoning Variance from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a 22 ft. rear yard setback, in lieu of 30 ft., be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 400.1 of the B.C.Z.R. to permit an existing structure (garage) in the side yard, in lieu of the rear yard, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. The Petitioners shall not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartment. The garage shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.

Lawrence E. Schmidt
LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES/mnn



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 7898 Aiken Avenue
which is presently zoned residential

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1802.3.C.1 and 400.1 to permit a 22 foot rear yard setback in lieu of 30 feet and to permit an existing accessory structure (garage) in the side yard in lieu of the rear yard.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty.)

Plumbing fixtures currently located in the basement need to be relocated to a higher elevation, because of reoccurring sewage flooding which Baltimore County concedes to be uncorrectable.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Owner:

(Type or Print Name)

Signature

Address

City State Zipcode

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City State Zipcode

(With its secretary declare and affirm, under the penalties of perjury, that they are the legal owner(s) of the property which is the subject of this Petition.)

Legal Owner(s):

Steven E. Adamski

(Type or Print Name)

Steven E. Adamski

Patricia A. Adamski

(Type or Print Name)

Patricia A. Adamski

7898 Aiken Avenue 882-2055

Address

Baltimore, Md. 21234

City State Zipcode

Name, address and phone number of legal owner, contract purchaser or representative to be contacted:

Steven Adamski

7898 Aiken Avenue 882-2055

Address

Baltimore, Md. 21234

City State Zipcode

Zoning Commissioner of Baltimore County

REVIEWED BY: *mtk* DATE: 4/23/93
ESTIMATED POSTING DATE: 5/1/93

ITEM #: 379

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) have competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) do(es) presently reside at 7898 Aiken Avenue

Baltimore, Md. 21234
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (Indicate hardship or practical difficulty.)

Plumbing fixtures currently located in the basement need to be relocated to a higher elevation, because of reoccurring sewage flooding. Over the past thirteen years of ownership, this problem has been encountered on numerous occasions. Representatives of Baltimore County have indicated that this condition cannot be corrected and have recommended that all of the plumbing fixtures currently in the basement be capped and relocated. This has led to our pursuit of a building addition, for which this variance is needed.

The Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reporting and advertising fee and may be required to provide additional information.

Steven E. Adamski *Patricia A. Adamski*
Signature Signature

Steven E. Adamski

(Type or Print Name)

Patricia A. Adamski

(Type or Print Name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to-wit:

I HEREBY CERTIFY, this 22nd day of April, 1993, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Steven E. Adamski and *Patricia A. Adamski*

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

April 22, 1993

John R. Linn
NOTARY PUBLIC

My Commission Expires: October 1, 1993

ORDER RECEIVED FOR FILING
Date 5/1/93
By *Th. Borch*

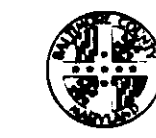
ORDER RECEIVED FOR FILING
Date 5/1/93
By *Th. Borch*

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CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY 93-365-A Towson, Maryland

District 9th Date of Posting 5/1/93
Posted for: Variances
Petitioner: Steven & Patricia Adamski
Location of property: (7898) 463 Aiken Ave, 692 ft. N Taylor Ave.
Location of Sign: Facing road, 700 ft. N on property of Bob Linn
Remarks: _____
Posted by: William Date of return: 5/1/93
Number of Signs: 1

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

May 20, 1993

Mr. and Mrs. Steven E. Adamski
7898 Aiken Avenue
Baltimore, MD 21234

RE: Case No. 93-365-A, Item No. 379
Petitioner: Steven E. Adamski, et ux
Petition for Administrative Variance

Dear Mr. and Mrs. Adamski:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on May 7, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

ZONING DESCRIPTION FOR 7898 AIKEN AVENUE

Beginning at a point on the West side of Aiken Avenue which is forty feet wide at the distance of 692 feet North of the centerline of the nearest improved intersecting street Taylor Avenue which is forty feet wide. Being Lot # 341, 342, 343 in the subdivision of Parkville Heights as recorded in Baltimore County Plat Book #7, Folio #38, containing 5,700 square feet. Also known as 7898 Aiken Avenue and located in the 9th Election District.

Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

Date 4/22/93

Steven E. Adamski 7898 Aiken Avenue

010 - Variance \$ 50.00

080 - 1 sign \$ 35.00

Total \$ 85.00

01A01R0013N1CHRC 485.00
B6 008139AH04-23-93
Please Make Checks Payable To: Baltimore County

Cashier Validation

379

SHA Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

4-29-93

Ms. Helene Kehring
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: 379 (MTK)

Dear Ms. Kehring:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small
for John Contestable, Chief
Engineering Access Permits
Division

My telephone number is _____
For typewritten or Impaired Hearing or Speech
363-7855 Baltimore Metro - 545-5451 D.C. Metro - 1-800-495-5063 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

FROM: Pat Kellar, Deputy Director
Office of Planning and Zoning

DATE: May 4, 1993

SUBJECT: 7898 Aiken Avenue

INFORMATION:

Item Number: 379

Petitioner: Steven E. Adamski

Property Size: _____

Zoning: D.R. 5.5

Requested Action: _____

Hearing Date: _____

SUMMARY OF RECOMMENDATIONS:

Should the applicant's request be granted, staff recommends that approval of the request be subject to a condition that any improvement be generally compatible with the built environment of the neighborhood.

Prepared by: *Jeffrey M. L...*

Division Chief: *Carol L. K...*

PK/JL:lw

173 ZAC/ZAC1

Pg. 1

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee
Captain Jerry Pfeiffer
Police Department

FROM: _____

SUBJECT: Comments for 05/10/93 Meeting

Date: May 3, 1993

Item 374 Townhouses for which the initial building permit is applied for after 07/01/92 shall be sprinklered.

Item 375 No Comments

Item 376 No Comments

Item 377 No Comments

Item 378 No Comments

Item 379 No Comments

Item 380 No Comments

Item 381 No Comments

Item 382 No Comments

Item 383 No Comments

Item 384 No Comments

Item 385 No Comments

RECEIVED
MAY 4 1993
ZADM

CPS-008

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

April 30, 1993 (410) 887-3353

Steven and Patricia Adamski
7898 Aiken Avenue
Baltimore, Maryland 21224

Re: CASE NUMBER: 93-365-A (Item 379)
7898 Aiken Avenue - W/S Aiken Avenue, 692' E of c/o Taylor Avenue
9th Election District - 6th Councilmanic
Petitioner(s): Steven E. Adamski and Patricia A. Adamski

Dear Petitioner(s):

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Any contact made with this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before May 9, 1993. The closing date (May 26, 1993) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. At that time, an order will issue. This order may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

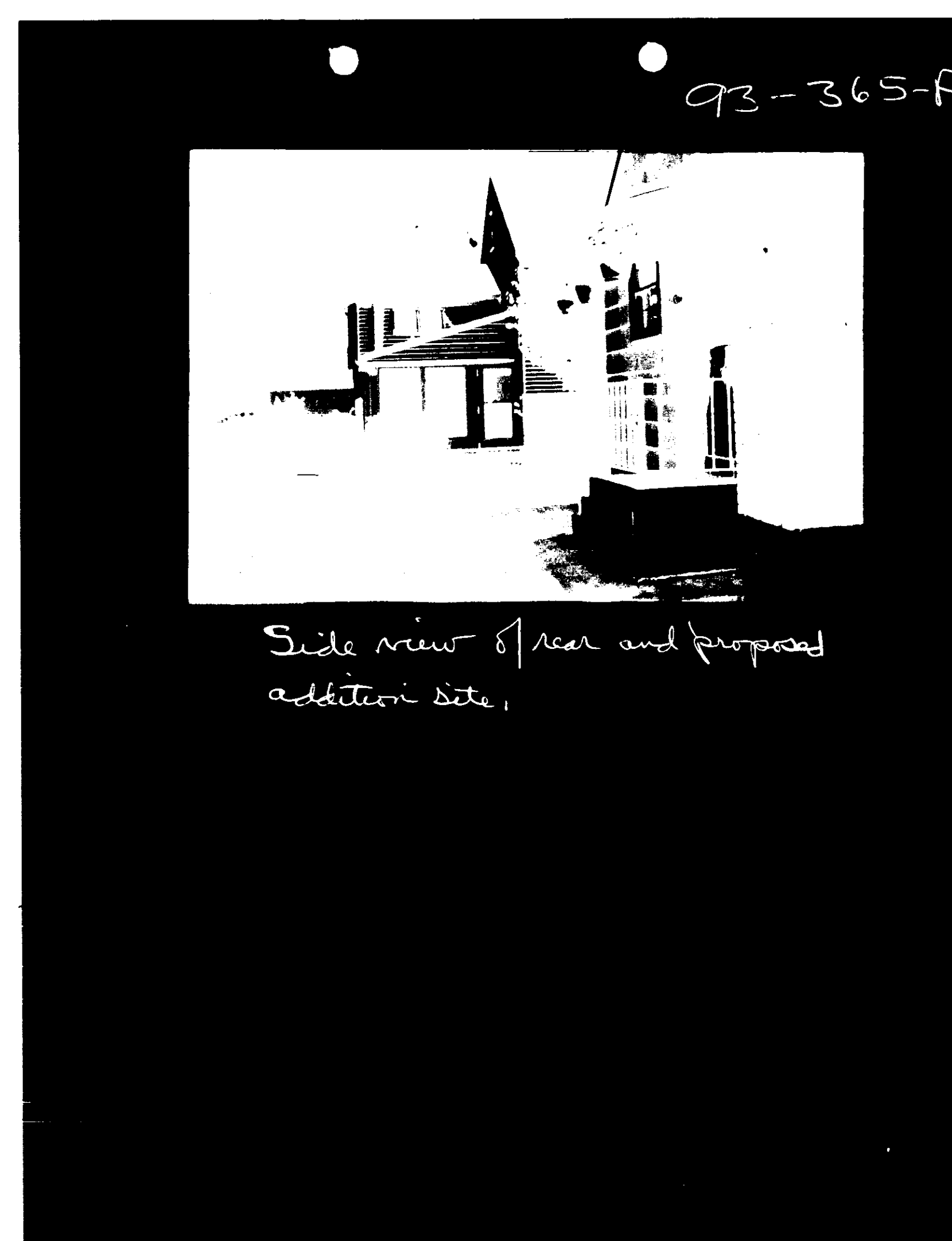
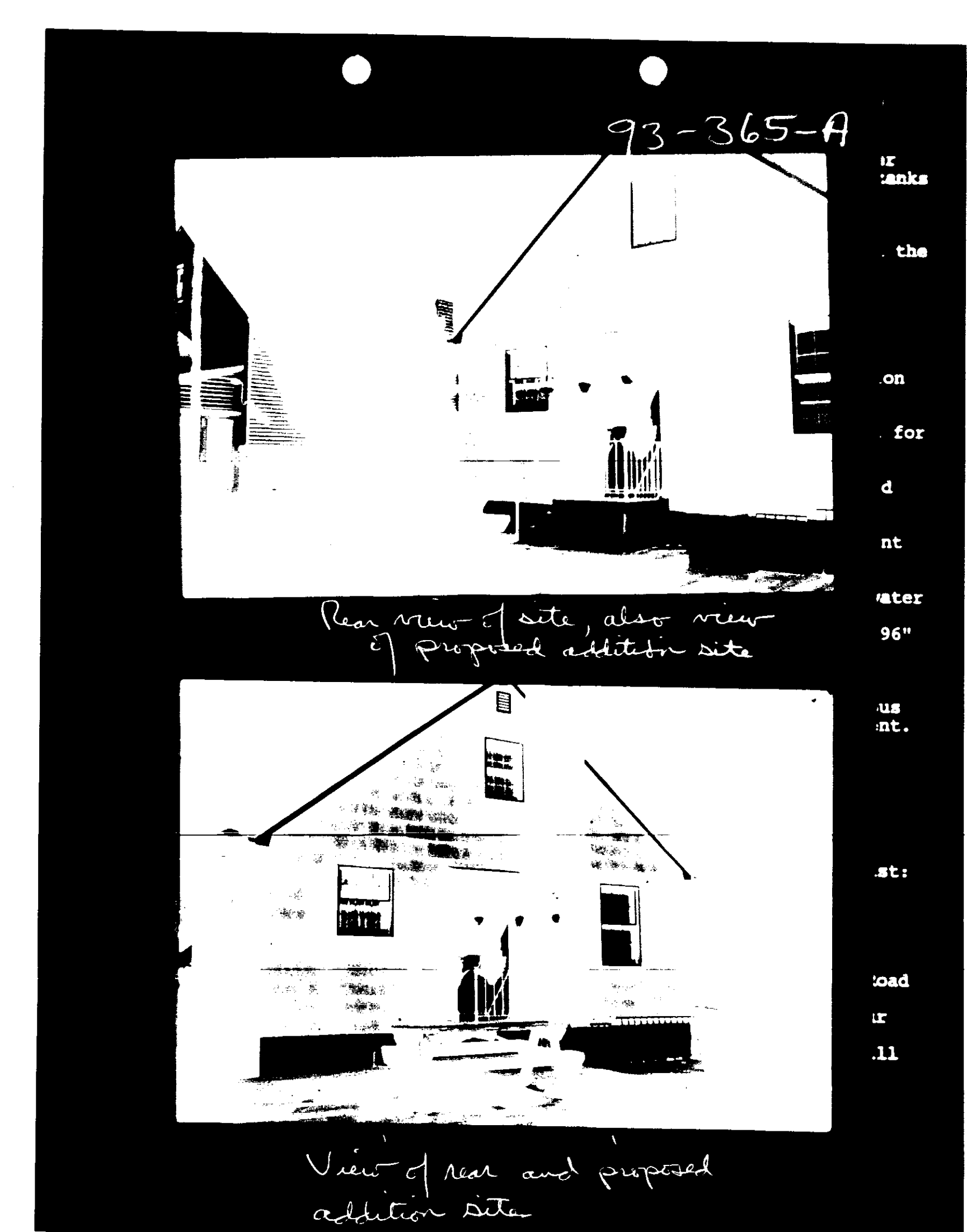
2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioners), the property will be reported and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reporting and newspaper advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$50.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

Carl John
Arnold Jablon
Director

Printed on Recycled Paper



Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 7898 Aiken Avenue

Relating to: Backville Heights

Plot books: 7, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100

OWNER: Steven E. & Patricia A. Adamski

341, 342, 343

93-365-A

Plat No. 1

Variance to permit a 22' rear yard setback in lieu of 34' and to permit an existing accessory structure (garage) in the side yard in lieu of the rear yard.

North
date: 7-20-92
prepared by: SEA

Scale of Drawing: 1" = 50'

LOCATION INFORMATION

Councilmanic District: 6
Election District: 09
1"=330' scale map: NE 8D
Zoning: DR 5.5
Lot size: 0.15 acreage 5,700 square feet

SEWER: ☒
WATER: ☒
Chesapeake Bay Critical Area: ☒
Prior Zoning Hearings: None

Zoning Office USE ONLY!
reviewed by: ITEM #1: 379
CASE #:

